

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DARBY CRAIG ELLIS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	NO. CIV-24-1183-HE
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

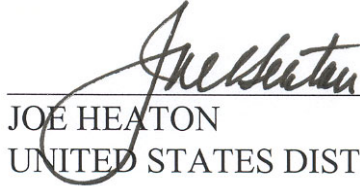
**ORDER**

Petitioner Darby Craig Ellis, a state prisoner proceeding *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. On December 12, 2024, Judge Mitchell issued a Report and Recommendation recommending the court dismiss petitioner’s petition for writ of habeas corpus for lack of exhaustion. Petitioner was advised of his right to object to the Report and Recommendation by January 2, 2025. Petitioner has objected to the Report triggering *de novo* review of matters to which objection has been raised. In his objection, petitioner asserts that it is not necessary for him to exhaust his state court remedies because “the Constitutional oaths are being broken/violated” and “[a]ll laws, codes, statutes, and regulations are unconstitutional and can only apply to employees.” Objection [Doc. #6] at 2. Upon *de novo* review, the court concludes petitioner has not set forth any legally recognized basis for failing to exhaust his state court remedies and his petition for writ of habeas corpus should be dismissed for lack of exhaustion.

Accordingly, the Report and Recommendation [Doc. #5] is **ADOPTED**, and the § 2254 petition for writ of habeas corpus is **DISMISSED** without prejudice for lack of exhaustion.

**IT IS SO ORDERED.**

Dated this 7th day of January, 2025.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE